



Attorney Docket No.: Y09999-527

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AG
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Patent Application

Applicant(s) Tetsunosuke Fujisaki
Docket No.: YO999-527
Serial No.: 09/710,999
Filing Date: November 9, 2000
Group: 3624
Examiner: Narayanswamy Subramanian

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, VA 22313-1450

Signature: Robertt Blake Date: June 6, 2006

Title: Method and Apparatus for Network Marketing of Financial Securities

TRANSMITTAL OF REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Reply Brief relating to the above-identified patent application.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Kevin M. Mason

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Dated: June 6, 2006



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Signature: *Bobbette Blake* Date: June 6, 2006

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REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby replies to the Examiner's Answer, mailed April 6, 2006 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-5, 17-21, and 32 in the above-identified patent application.

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellant's Appeal Brief.

RELATED APPEALS AND INTERFERENCES

A statement identifying related appeals is contained in Appellant's Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellant's Appeal Brief.

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STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellant's Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

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A Summary of the Invention is contained in Appellant's Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5, 17-21, and 32 are properly rejected under 35 U.S.C. §103(a) as being unpatentable over Woolston in view of Silverman et al.

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CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellant's Appeal Brief.

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ARGUMENT

In the Response to Arguments section of the Examiner's Answer, the Examiner asserts that "the market for illiquid financial securities is *no different* from the market for used and collectible goods" (emphasis added) and asserts that "Appellants also agree with this interpretation by concurring 'Applicants note that secondary market for used and collectible goods are similar, *in some respects*, to very illiquid securities.'" (Emphasis added.) Contrary to the Examiner's assertion, being similar "in *some respects*" is not the same as having "*no difference*" and, thus, Appellant's statement does not establish concurrence. In addition, while the Examiner notes that "financial markets are given the broadest permissible interpretation to include both liquid and illiquid financial securities," Appellants emphasize, once again, that a practical system must be capable of handling *both liquid and illiquid* financial securities. Thus, the system

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disclosed by the cited prior art is not practical for the financial securities market.

In response to the Examiner's assertion that, "although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims," Appellant notes that the limitation argued by the Appellant exists in the
5 claims; Appellant's citation from the specification was presented only to establish the definition of a term recited in the claims and, more specifically, recited in the limitation under consideration.

The Examiner further asserts (page 8, first paragraph), that the identification of the bids in Woolston has to take place before the displacement of the
10 bids take place. As Appellant has argued, however, Woolston does not identify bids that are in *proximity to said received bid*.

In response to the Examiner's arguments that Silverman was not relied upon to teach the feature of "establishing a plurality of market segments in a secondary market," and that "one cannot show nonobviousness by attacking references individually
15 where the rejections are based on combinations of references," Appellant notes that the argument was presented in the Appeal Brief not to attack the references individually, but to simply note that *none of the cited references disclosed a limitation recited in the claims*.

20 Conclusion

The rejections of the cited claims under section 103 in view of Woolston and Silverman et al., alone or in combination, are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,

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Date: June 6, 2006

A handwritten signature in black ink, appearing to read "Kevin M. Mason". The signature is fluid and cursive, with the first name "Kevin" and last name "Mason" clearly distinguishable.

Kevin M. Mason

Attorney for Applicant(s)

Reg. No. 36,597

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EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.